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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,886	12/02/2003	Michael Swain	SMT-10002/08	3372

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EXAMINER
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CHEN, CHIA WEI A

ART UNIT	PAPER NUMBER
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2609

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/725,886	<b>Applicant(s)</b> SWAIN, MICHAEL	
	<b>Examiner</b> Chia-Wei A. Chen	<b>Art Unit</b> 2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "said multi-function switch" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the other extension cable" in line 3. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-4 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Mann (US 6,307,526 B1).

As to claim 1, Mann discloses a video apparatus for a user, said apparatus comprising:

- a remote video head (110) disposed on a head of the user;
- a pouch (128) operative to receive a video camera and (processor 182 including a non-volatile storage or recording device) to be selectably secured to the user (see col. 12, lines 16-32);
- and a cable (180) connected between said remote video head and said video camera, said cable operative to transmit a video signal from said remote video head to said video camera for recording ("The video outputs from cameras pass through wiring harness into vision analysis processor."; See col. 13, lines 30-32 and lines 43-45).

As to claim 2, Mann discloses the video system of claim 1 wherein said pouch further comprises a battery compartment (181) for receiving a battery.

As to claim 3, Mann discloses the video system of claim 1 wherein said remote video head is mounted to headgear (100) worn by the user. Mann also discloses that "'headgear' refers to any object on, around, upon, or in the head, in whole or in part." (See col. 11, lines 19-26.)

As to claim 4, Mann discloses the video system of claim 3 further comprising a universal mounting bracket ("an electronic camera borne by said headgear"; col. 8, lines 17-20) for securing said miniature remote video head to the headgear. Mann also

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discloses that "When it is said that object "A" is "borne" by object "B", this shall include the possibilities that A is attached to B, that A is part of B, that A is built into B, or that A is B." (See col. 11, lines 27-29.)

As to claim 6, Mann discloses the video system of claim 3 wherein said remote video head is a color video camera ("in order that the viewfinder provide a distinct view of the world, it may be desirable that the virtual light from the television be made different in color or the like from the real light from the scene."; See col. 19, lines 51-60). Mann clearly teaches that the video head is a color video camera since the colors in the image of the television viewfinder may be too difficult to distinguish from the real view.

As to claim 7, Mann discloses the video system of claim 1 wherein said pouch includes a multi-function switch ("belt-mounted switches"; col. 15, lines 5-6) connected to the video camera, said switch operative to control the video camera.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mann (US 6,307,526 B1) in view of Sanders ("Skydiving Cinematography." Society of Camera Operators Magazine).

Mann teaches the video system of claim 3 but does not teach a Newton Ring eyesight disposed on the helmet and operative to assist the user in aiming the lens of the remote video head in a desired direction.

Sanders discloses a Newton Ring eyesight disposed on the helmet and operative to assist the user in aiming the lens of the remote video head in a desired direction. (See page 12, 3<sup>rd</sup> paragraph: "...in addition to the Newton ring sight that is used by all professional skydiving cinematographers.")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the Newton ring sight of Sanders to the head mounted camera of Mann since it allows a "helmet camera operator to know where to aim his sight finder and how close to get to the subject to get the desired framing for the shot." (See page 12, 3<sup>rd</sup> paragraph of Sanders.)

8. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mann (US 6,307,526 B1) in view of Halgund (US 6,717,737 B1).

As to claim 8, Mann teaches the video system of claim 1, but does not teach wherein said apparatus includes a first cable in communication with said remote video head and a second cable routed to a top portion of said camera body pouch, said

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second cable having an indicator light at its terminal end wherein said indicator light illuminates when the remote video head is powered on.

Halgund teaches wherein said apparatus includes a first cable (214) in communication with said remote video head (110) and a second cable (218) routed to a top portion of said camera body pouch, said second cable having an indicator light (114, 116) at its terminal end wherein said indicator light (114, 116) illuminates when the remote video head (110) is powered on (see Figs. 1-2 and col. 7, lines 40-46).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the cables and indicators as taught by Halgund to the head mounted camera of Mann because indicators would provide a status of various operating parameters including lower power or malfunctions; thereby alerting a user the status of the image system operation. (See col. 2, lines 17-25 and col. 4, line 55 through col. 5 line 5 of Halgund.)

As to claim 9, Halgund teaches wherein said multi-function switch (318) is disposed adjacent a top portion of said pouch (308), said multi-function switch in communication with two cable extensions (see Figs. 3, 4).

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mann (US 6,307,526 B1) in view of Halgund (US 6,717,737 B1 as applied to claim 9 above, and further in view of Kitson (US 6,977,671 B1).

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As to claim 10, note the discussion of Mann and Halgund above. Mann and Halgund do not mention a multi-colored indicator. Kitson et al. teaches a multi-colored indicator light (136) disposed on said top portion of said camera body pouch. Kitson et al. clearly teaches that "the first and second indicator devices may include light-emitting diodes of different colors." (See col. 3, lines 51-53.)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the multi-colored indicator light of Kitson et al. to the head mounted camera of Mann as modified by Halgund because multi-colored indicators would provide "ease of identification by the user." (See col. 3, lines 51-62.)

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gallagher (US 6,181,644 B1) discloses a diver mask underwater imaging system.

Helmsderfer (US 6,028,627) discloses a camera system for capturing a sporting activity from the perspective of the participant.

Ishikawa (US 6,657,673 B2) discloses a method and apparatus for detecting and recording images.



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***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chia-Wei A. Chen whose telephone number is 571-270-1707. The examiner can normally be reached on Monday - Friday, 7:30 - 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on 571-272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C.A. Chen  
2/1/07

  
CHANH D. NGUYEN  
SUPERVISORY PATENT EXAMINER